IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

jmi

O.A. REPORT NO.10 OF 2009
IN
INSOLVENCY PETITION NO. 73 OF 2002.

Mrs. Niloufer Najmuddin Indorewala. ..Insolvent.

Ex-parte :
ICDS Limited. ..Petitioning Creditor.

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Mrs. Mehta, i/b. Gaurang Mehta, for Petitioning Creditor.
Mr. Y.C. Parikh, Official Liquidator, present.

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CORAM : S.J.KATHAWALLA, J.
DATE : 6TH OCTOBER 2009.

P.C.

Perused the report of the Official Assignee wherein he has submitted that the insolvent has left Dubai without obtaining permission of the Official Assignee. Her presence before the Official Assignee is, therefore, required to be secured. The son of the insolvent has informed the Court on 18th August 2009 that the insolvent is in Dubai. Though the Court repeatedly inquired from the son of the insolvent as to when the insolvent is likely to return, he has stated that he is not aware as to when the insolvent will return. It is,

therefore, obvious that the insolvent is not wanting to face the insolvency proceedings and has therefore left the country without permission of this Court or the Official Assignee, as required under the law.

2. In view thereof, the report is made absolute in terms of prayer clauses (a), (b) and (c), which are reproduced hereunder :-

> "(a) That this Court may be pleased to order for issue of Rule Nisi against the Insolvent viz. Mrs. Niloufer Najmuddin Indorewala to show cause as to why an order for his committal to jail should not be made against her, as she having failed and neglected to attend Official Assignee's office for her examination touching her estate and affairs and also failed and neglected to comply with the aforesaid requisitions.
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> (b) That this Court may be pleased to pass an order directing the Regional Passport Officer, Mumbai to revoke the passport of the Insolvent Mrs. Niloufer

Najmuddin Indorewala and permit the Official Assignee to take steps through Ministry of External Affairs for securing her presence before the Insolvency Court.

(c) That this Court may be pleased to grant leave to Official Assignee to serve the Rule Nisi, when issued upon the Insolvent, by Registered A.D./ Under Certificate of Posting and by pasting at the last known address of the Insolvent."

3. Report is accordingly disposed of.

[S.J.KATHAWALLA, J.]